

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

JOHNNY LAWSON PROCTOR,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:11-cv-02139-TLW
)	
CAROLYN W. COLVIN,)	
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant.)	
)	

ORDER

On July 11, 2014, Plaintiff's counsel, W. Daniel Mayes, filed a motion for attorney's fees and costs pursuant to the Social Security Act, 42 U.S.C. § 406(b). (Doc. #38). The motion seeks reimbursement for counsel's representation in the above-captioned matter in the amount of \$12,495.47. As required by § 406(b), the requested amount is not greater than twenty-five percent of the past-due benefits that Plaintiff recovered. The Commissioner filed a response stating that she does not object to the petition. (Doc. #39).

The Court has reviewed Plaintiff's counsel's fee petition and the accompanying signed fee agreement and finds the request for fees pursuant to § 406(b) to be reasonable.¹ Accordingly, **IT IS ORDERED** that Plaintiff's Motion for Attorney's Fees pursuant to the Social Security Act, 42 U.S.C § 406(b), is **GRANTED** in the amount of \$12,495.47.

The Court notes that Plaintiff's attorney was previously awarded attorney's fees in this action in the amount of \$5,053.13 under the Equal Access to Justice Act ("EAJA"). (Doc. #36).

¹ Plaintiff's counsel is directed to provide a time sheet outlining the hours for which he is requesting pay in all future requests for attorney's fees.

As Plaintiff's counsel acknowledges in the Memorandum in Support of the Motion for Attorney's Fees (Doc. #38-1), the previous EAJA award must be refunded to Plaintiff upon receipt of the fees awarded in this motion. Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002).

IT IS SO ORDERED.

s/Terry L. Wooten _____

Terry L. Wooten

Chief United States District Judge

September 12, 2014
Columbia, South Carolina